

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND THREE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 808 of 2003

Between:

A.S. Haribabu S/o Late A. Veera Swamy
R/o 16-475, Valandapalem,
Machilipatnam, Krishna District.

..... PETITIONER

AND

1. The Chief General Manager (Administration), State Bank of India,
Bank Street, Koti, Hyderabad.
2. The Branch Manager, State Bank of India,
Bazar Branch, Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in declining to appoint him on compassionate grounds in any suitable post consequent to the death of his father vide Letter No. F2b dt. 06-11-2002 of the Second Respondent as illegal and arbitrary and consequently directing the respondents to appoint him in any suitable post in the respondents-Bank forthwith.

Counsel for the Petitioner: MR.M.V.RAMA RAO

Counsel for the Respondents: MR.E.MADAN MOHAN RAO

The Court made the following:

ORDER:

Challenging the order of the respondent, dated 6-11-2002, issued by the second respondent, as illegal and arbitrary, the present writ petition is filed.

The petitioner filed an application for compassionate appointment in the Bank. The same was rejected by following the judgment of the Supreme Court in Umesh Kumar Nagpal v State of Haryana, which reads as follows.

“When an employee died in harness, one of the family members has to be given compassionate appointment, but at the same time, the family condition of the deceased employee, the income and such other circumstances, which are relevant for providing employment on compassionate grounds are required to be taken into consideration.”

The counter affidavit filed on behalf of the respondent shows that the petitioner's mother is getting family pension of Rs.2,500/- and also amounts like mutual welfare fund and the interest on the amount from the terminal benefits. Therefore, the petitioner's family is aggregately getting Rs.8,905/- from the family pension and other benefits. The said fact is not denied or disputed by the petitioner in filing the reply affidavit. It cannot be in dispute that when an employee died in harness and family members are in a precarious condition, the compassionate appointment has to be made by giving a suitable job to one of the family members. The family consists of three unmarried sons and one married son and an unmarried daughter. The case of the petitioner has been considered by the respondents taking into consideration the aggregate amount, which the family is receiving and the fact that the application was not filed immediately after the death of the deceased, the petition was rejected. Since the amount getting by the family of the petitioner is sufficient to meet the maintenance of the family, it cannot be said that the family is in a distressed condition or suffering from harness. Hence, the order challenged does not suffer from any legal infirmities, so as to call for interference by this Court and the writ petition is devoid of merit and is liable to be dismissed.

The Writ Petition is, accordingly, dismissed. No order as to costs.

K.C.BHANU,J

20-06-2005

Stp

To

1. The Chief General Manager (Administration), State Bank of Hyderabad,
Bank Street, Koti, Hyderabad.
2. The Branch Manager, State Bank of Hyderabad,
Bazar Branch, Machilipatnam, Krishna District.
3. 2 CD copies

